



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,669	02/20/2004	Michael Tiegelkamp	Q79781	5527

23373 7590 09/22/2006  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

PHAM, THOMAS K

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/781,669

Applicant(s)

TIEGELKAMP, MICHAEL

Examiner

Thomas K. Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**First Action on the Merits**

1. Claims 1-10 of U.S. Application 10/781,669 filed on 02/20/2004 are presented for examination.

**Quotations of U.S. Code Title 35**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2121

6. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ541, 550-551 (CCPA 1969)" (MPEP p2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

#### **Information Disclosure Statement**

7. The information disclosure statements (IDS) submitted on 07/13/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### **Claim Rejections - 35 USC § 102**

8. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,611,863 ("Banginwar").

#### **Regarding claim 1**

Banginwar teaches the invention including a method for configuring modules in a data processing system, for controlling a technical plant, comprising: utilizing decentralized and centralized modules that are networked with one another to provide a stored program control of

plant functions (see C 2 L 35-46), wherein the decentralized, plant-side modules each have a respective configuration module (see C 2 L 56-64); and for one of the plant functions to be controlled, at least one of configuring and parameterizing the plant-side modules with the respective configuration modules (see C 3 L 21-29).

**Regarding claim 6**

Banginwar teaches the invention including a component structured to configure a module in a data processing system, for controlling a technical plant, in which system decentralized and centralized modules are networked with one another to provide a stored program control of plant functions (see C 2 L 35-46), wherein the decentralized, plant-side modules each have a respective configuration module (see C 2 L 56-64), comprising: hardware configuration software with which at least one of the plant-side modules corresponding to the component is at least configured or parameterized (see C 3 L 21-29).

**Regarding claim 9**

Banginwar teaches the invention including a circuit arrangement for configuring a module in a data processing system, for controlling a technical plant, in which system decentralized and centralized modules are networked with one another to provide a stored program control of plant functions (see C 2 L 35-46), wherein the decentralized, plant-side modules each comprise a configuration module (see C 2 L 56-64), and wherein the decentralized, plant-side modules each comprise a microprocessor and memory components for configuring the respective plant-side module (see C 3 L 18-54).

Art Unit: 2121

**Regarding claim 2**

Banginwar teaches the invention including wherein the control of the technical plant comprises an open-loop control (see FIG. 1 and C 2 L 46-64).

**Regarding claim 3**

Banginwar teaches the invention including wherein the control of the technical plant comprises a closed-loop control (see FIG. 1, C 5 L 33-47 and C 6 L 13-31).

**Regarding claim 4**

Banginwar teaches the invention including wherein the networked modules exchange at least one of data and program parts via at least one of an internal and an external network, to support the configuration (see C 3 L 21-29).

**Regarding claim 5**

Banginwar teaches the invention including further comprising supporting the configuration of the plant-side modules using a programming device equipped with a configuration module that is essentially identical to at least one of the configuration modules of the plant-side modules (see C 5 L 17-29).

**Regarding claim 7**

Banginwar teaches the invention including wherein the component comprises a software component (see C 3 L 21-29).

**Regarding claim 8**

Banginwar teaches the invention including wherein the component comprises a firmware component (see C 3 L 21-29).

Art Unit: 2121

**Regarding claim 10**

Banginwar teaches the invention including a standardized network connection for interconnecting the respective plant-side modules with one another (see C 4 L 22-27); and a further standardized network connection with a software component configured as a browser for connecting the respective plant-side modules to an Internet (see C 5 L 1-16).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

A handwritten signature in cursive script, appearing to read 'Th Pham', written in black ink.

September 16, 2006